

# PUBLIC HEALTH DEPARTMENT[641]

## Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 144.3 and 144.46, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 95, “Vital Records: General Administration,” Iowa Administrative Code.

The rules in Chapter 95 describe the general administration of vital records including definitions, fees, the handling of records, access to records, issuance of certified copies and confidentiality. These proposed amendments increase certain fees related to vital records beginning January 1, 2014. These fees will revert back to current levels beginning July 1, 2019. The additional moneys generated by this time-limited fee increase will support the development and implementation of the Iowa Vital Events System. This includes the electronic registration and issuance of new events and the conversion of historical events into one system to manage the Civil Registry and health data collected and managed by the Department.

Any interested person may make written comments or suggestions on the proposed amendments on or before August 27, 2013. Such written comments should be directed to Jill France, Bureau of Health Statistics, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to [jill.france@idph.iowa.gov](mailto:jill.france@idph.iowa.gov).

There will be a public hearing on August 27, 2013, from 10 to 11:30 a.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. The hearing will be conducted in Room 517-518, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa.

An opportunity to receive public comment will also be held by conference call on August 27, 2013, from 10 to 11:30 a.m. Persons wishing to participate in the conference call at any point during that time may dial 1-866-393-7315. Participants will be asked to provide their first and last names. The call will be recorded as required for a public hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department of Public Health and advise staff of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 144.46 and 144.46A.

The following amendments are proposed.

ITEM 1. Amend subrule 95.6(1) as follows:

**95.6(1) Fees for services provided by state registrar or county registrar.** The following fees shall be charged and remitted for the various services provided by the state registrar or the county registrar.

*a.* The state registrar or county registrar, as applicable, shall charge a fee of ~~\$15~~ \$20 to conduct a search for a record. On and after July 1, 2019, this fee will revert to \$15.

(1) The search fee shall include one certified copy of the record.

(2) For each additional certified copy of the same record, a ~~\$15~~ \$20 fee shall be charged. On and after July 1, 2019, this fee will revert to \$15.

(3) If, following a search, no record is found, the ~~\$15~~ \$20 fee shall be retained. On and after July 1, 2019, this fee will revert to \$15.

*b.* The state registrar shall charge a fee of ~~\$15~~ \$20 to prepare an adoption certificate, to amend a certificate, to amend a certificate of live birth to reflect a legal change of name, to prepare a delayed

certificate, to process other administrative or legal actions, or for the search and preparation of copies of supporting documents on file in the state registrar's office. On and after July 1, 2019, this fee will revert to \$15. No fee shall be charged for establishment of paternity.

c. and d. No change.

e. The state registrar shall charge a fee of ~~\$15~~ \$20 to amend an abstract or other legal documentation in support of the preparation of a new certificate. On and after July 1, 2019, this fee will revert to \$15.

f. No change.

g. The state registrar shall charge a fee of ~~\$15~~ \$20 to conduct a search for a certificate of fetal death for the purpose of issuing an uncertified copy of a certificate of birth resulting in stillbirth pursuant to ~~2012 Iowa Acts, House File 2368, section 4~~ Iowa Code section 144.31A. On and after July 1, 2019, this fee will revert to \$15.

ITEM 2. Amend subrule 95.6(2) as follows:

**95.6(2) *Overpayments.*** Any overpayment of less than ~~\$15~~ \$20 received by the state registrar for the copying of or search for vital records, or for the preparation or amending of a certificate, shall not be refunded. The state registrar shall retain the first ~~\$9~~ \$14 of any overpayment with any remaining amount to be deposited in the general fund of the state. On and after July 1, 2019, the overpayment amount will revert to \$15 and the amount retained by the state registrar will revert to \$9.

ITEM 3. Amend subrule 95.6(5) as follows:

**95.6(5) *Distribution of fees.***

a. All fees collected by the county registrar and the state registrar shall be distributed as follows:

(1) For fees collected by a county registrar, with the exception of the fee in subrule 95.6(4), the county registrar shall retain \$4 of each ~~\$15~~ \$20 fee collected by that office, ~~which~~. On and after July 1, 2019, this \$20 fee will revert to \$15. Fees collected shall be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar shall receive ~~\$8~~ \$13, and \$3 shall be deposited in the general fund of the state, except for the fee collected pursuant to paragraph 95.6(1) "f." On and after July 1, 2019, the amount received by the state registrar will revert to \$8.

2. For a death certificate, the state registrar shall receive ~~\$6~~ \$11, the office of the state medical examiner shall receive \$3, and \$2 shall be deposited in the general fund of the state. On and after July 1, 2019, the amount received by the state registrar will revert to \$6.

(2) For fees collected by the state registrar, the state registrar shall retain all fees, with the exception of the fees in paragraph 95.6(1) "a," of which the state registrar shall retain ~~\$9~~ \$14 of each ~~\$15~~ \$20 fee collected for the issuance of certified copies. On and after July 1, 2019, the fee collected will revert to \$15 and the amount retained by the state registrar will revert to \$9. The \$6 balance of certified copy fees collected by the state registrar shall be divided as follows:

1. For a birth certificate or a marriage certificate, \$6 shall be deposited in the general fund of the state.

2. For a death certificate, the office of the state medical examiner shall receive \$3, and \$3 shall be deposited in the general fund of the state.

b. All fees retained by the state registrar shall be added to the vital records fund established by the department pursuant to Iowa Code section 144.46A.

c. All fees received by the office of the state medical examiner shall be added to the operating budget established for the operation of that office.